THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.10464 OF 2005

Between:

1.K.Narayana Reddy and seven others

……Petitioners

Vs.

1.The Government of A.P., represented by its Secretary, Transport, Roads & Buildingsm (R.VI.I) Department, Secretariat, Hyderabad and five others.

……..Respondents.

Dt.01.09.2005

O R D E R:

The petitioners are the owners of the land admeasuring Ac 6.05 comprising S.Nos.623/D & 624 of Tadipatri Town and Ac 9.64 in S.Nos.149-A, 149-B and 150-A of Nandalapadu Village.

It is the grievance of the petitioners that a by pass road from Km.51/8 to 55/2 of Tadipatri town on Anantapur-Tadipatri-Bhogasamudram Road, has been laid in their lands without initiating land acquisition proceedings and without paying the market value. Thus the petitioners approached this Court by invoking jurisdiction under Article 226 of the Constitution of India with a prayer to issue a writ of Mandamus declaring the action of the respondents in laying the road through their lands without initiating land acquisition proceedings and without paying compensation as illegal and arbitrary and consequently direct the respondents to initiate land acquisition proceedings forthwith and pay the market value for the lands.

Counter affidavit has been filed by Respondent Nos.4 & 5. Paragraph-2 of the

counter affidavit of the fourth respondent reads as follows:

> "*In reply to the averments made in para-2 of the petitioners' affidavit, it is submitted that the total land to an extent of Ac 15.661 cents was required for "Formation of Byepass road" from km.51/8 to 55/2 of Tadipatri town on Anantapur Tadipatri Bhogasamudram road to facilitate for vehicular traffic in Tadipatri Town. The proposed road passes through in Sy.No.623/D, 624 of Tadipatri Town in S.No.149-A, B 150 of Nandalapadu Village and land requirement in Tadipatri town and Nandalapadu Village is Ac 6.05 cents and Ac.9.64 cents respectively. Accordingly the land acquisition proposals were sent to Revenue Divisional Officer, Anantapur vide this office Lr.No.1988/D3/03, dated 17.10.1994. The Revenue Divisional officer, Anantapur in his letter Dis.No.2172/94/D1/LA, dated 14.11.1994 has requested the Executive Engineer to deposit an amount of Rs.10,000/- towards publication charges for land in acquisition. In response to the request of Revenue Divisional Officer an amount of Rs.10,000/- was deposited with R.D.O., Anantapur in the shape of Cheque No.305519, dated 30.03.1995 towards publication charges for land acquisition. The work "Formation of bye pass road" from Km.51/8 to 55/2 (Tadipatri Town) on Anantapur Tadipatri Bhogasamudram road was sanctioned for Rs.53.00 lakhs vide G.O.Ms.No.193, Transport, R & B Dept., dated 21.09.1993."*

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents.

The respondents in their counter affidavit have not denied about laying of road in the fields owned by the petitioners. Indeed, respondent No.4 has specifically stated that proposals have been sent for acquisition of the lands. In that view of the matter, I deem it appropriate to dispose of the writ petition giving directions to the respondents to pass an award under Land Acquisition Act, 1894, within two months from the date of receipt of a copy of this order. No costs.

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B.SESHASAYANA REDDY J.,

Dt.01.09.2005

c.c.in one week

B/o

tjs